

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

In re:

CASE NO.: 6:13-bk-09074-ABB

MICHAEL SEAN HARTMAN and  
NANCY ANN HARTMAN

Debtor(s).

CHAPTER 13

**VERIFIED MOTION TO STRIP LIEN OF WELLS FARGO BANK, N.A.**

**NOTICE OF OPPORTUNITY TO OBJECT AND FOR HEARING**

Pursuant to Local Rule 2002-4, the Court will consider this motion, objection, or other matter without further notice or hearing unless a party in interest files an objection within thirty (30) days from the date of service of this paper. If you object to the relief requested in this paper, you must file your objection with the Clerk of the Court at George C. Young Federal Courthouse, 400 West Washington Street, Suite 5100 Orlando, FL 32801 and serve a copy on the Trustee, Laurie K Weatherford, Post Office Box 3450, Winter Park, FL 32790 and Trang K Goebel, Esq., Kaufman, Englett and Lynd, 111 N. Magnolia Avenue, Suite 1500, Orlando, FL 32801.

If you file and serve an objection within the time permitted, the Court will schedule a hearing and you will be notified. If you do not file an objection within the time permitted, the Court will consider that you do not oppose the granting of the relief requested in the paper, will proceed to consider the paper without further notice and hearing, and may grant the relief requested.

COME(S) NOW the Debtor(s), MICHAEL SEAN HARTMAN and NANCY ANN HARTMAN, by and through the undersigned attorney, and file this Motion to Strip Lien of WELLS FARGO BANK, N.A. pursuant to 11 U.S.C. § 506 of the Bankruptcy Code and Bankruptcy Rule 3012 and in support thereof state the following:

1. The Debtor(s) filed petition under Title 11, Chapter 13 of the United States Bankruptcy Code on July 23, 2013.
2. In the schedules filed with the petition in this case and on the master mailing matrix filed with the Clerk of this Court, a debt was listed in favor of WELLS FARGO BANK, N.A. for the deed of trust their petition and schedules that there was no equity in the residential real estate to which the second lien could secure at the time that the petition was filed, therefore, provided for the claim to paid as an unsecured claim under the terms of the confirmed plan.

3. Pursuant to the Orange County Property Appraisers at the time they filed their bankruptcy petition and at the present time the value of the interest in the said residential real estate was and is approximately \$ 126,930.00 (attached hereto as Exhibit A).

LEGAL DESCRIPTION:

LOT 48, ISLAND CLUB AT RIO PINAR LAJES, ACCORDING TO THE  
PLAT THEREOF, AS RECORDED IN PLAT BOOK 29, PAGES 69 AND 70,  
OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

4. The Debtors interest in the real estate is subject to the first lien arising out of a mortgage in favor of WELLS FARGO HOME MORTGAGE in the amount of \$142,006.00.
5. The Debtors interest in the residential real estate is subject to a third lien in favor of WELLS FARGO BANK, N.A. in the amount of \$60,353.52.
6. The lien securing the third mortgage of WELLS FARGO BANK, N.A. is junior to the first mortgage listed above as owing to WELLS FARGO HOME MORTGAGE.
7. Pursuant to 11 U.S.C. § 506(a), WELLS FARGO BANK, N.A. has no allowable secured claim regarding the claim for the third lien on the subject real estate.
8. Any timely filed claim of WELLS FARGO BANK, N.A. for the thord lien is allowable only as an unsecured claim and in the event that no such claim is filed WELLS FARGO BANK, N.A. will have no claim against this estate.

WHEREFORE, the Debtors respectfully pray of the Court as follows:

- A. That this Court determine that WELLS FARGO BANK, N.A. has no secured interest for the third lien on the residential real estate of the Debtors;
- B. That this Court order WELLS FARGO BANK, N.A. to cancel the third lien on the residential real estate of the debtors pursuant to 11 U.S.C. § 506(d), immediately upon entry of the Discharge Order and deliver the same to the attorney for the debtors within 20 days from the date of the entry of the said order at no charge or fee for the aforesaid cancellation and delivery;
- C. That this Court direct the Trustee that any timely filed proof of claim of WELLS FARGO BANK, N.A. for the third lien be treated as an unsecured claim under the plan; and
- D. That the Court grant such other and further relief as is proper and just.

**DECLARATION**

We, MICHAEL SEAN HARTMAN and NANCY ANN HARTMAN, swear or affirm that the information contained in this Motion to Strip Lien is true and correct to the best of my knowledge, information and belief.

  
MICHAEL SEAN HARTMAN

  
NANCY ANN HARTMAN

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion to Strip Lien has been furnished by Electronic Notice or Regular U.S. Mail to:

Chapter 13 Trustee, Laurie K. Weatherford, PO BOX 3450, Winter Park, FL 32790;  
Debtor(s), Michael Sean Hartman and Nancy Ann Hartman, 2308 Island Club Way, Orlando, FL 32822;  
Creditor, Wells Fargo Bank, N.A., 1 Home Campus, MAC X2303-01A, Des Moines, IA 50328; and  
Creditors Registered Agent, Corporation Service Company, 1201 Hays Street, Tallahassee, FL 32301.

/s/ Trang K Goebel, Esq.  
Attorney for Debtors  
Trang K Goebel, Esq.  
Kaufman, Englett and Lynd, PLLC  
111 N. Magnolia Ave. Suite 1600  
Orlando, FL 32801  
Telephone: 407.513.1900  
Facsimile: 407.309.5900  
Fla Bar No.: 68850

# Property Record - 02-23-30-3885-00-480

Orange County Property Appraiser •  
http://www.ocpafl.org

## Property Summary

**Property Name**  
2308 Island Club Way

**Names**  
Hartman Michael S  
Hartman Nancy A

**Municipality**  
ORG - Un-Incorporated

**Property Use**  
0101 - Single Family

**Mailing Address**  
2308 Island Club Way  
Orlando, FL 32822-8424

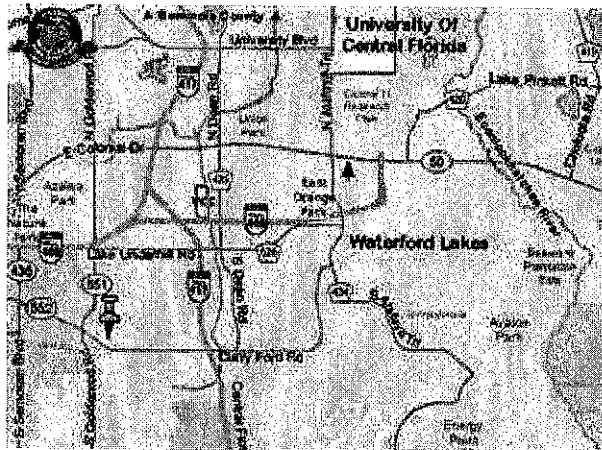
**Physical Address**  
2308 Island Club Way  
Orlando, FL 32822



QR Code For Mobile Phone








302302388500480 06/13/2006



## Value and Taxes

### Historical Value and Tax Benefits

Tax Year Values		Land		Building(s)		Feature(s)	Market Value	Assessed Value
2014		\$25,000	+	\$78,632	+	\$22,900	= \$126,532 (-1.6%)	\$126,532 (-.31%)
2013		\$25,000	+	\$80,039	+	\$23,500	= \$128,539 (3.0%)	\$126,930 (1.7%)
2012		\$22,000	+	\$78,708	+	\$24,100	= \$124,808 (-4.6%)	\$124,808 (-2.8%)
2011		\$25,000	+	\$81,093	+	\$24,700	= \$130,793 (3.4%)	\$128,447 (1.5%)
2010		\$24,767	+	\$77,482	+	\$24,300	= \$126,549	\$126,549

Tax Year Benefits		Original Homestead	Additional Hx	Other Exemptions	SOH Cap	Tax Savings
2014	W S HX	\$25,000	\$25,000	\$0	\$0	\$668
2013	✓ S HX CAP	\$25,000	\$25,000	\$0	\$1,609	\$697
2012	✓ S HX	\$25,000	\$25,000	\$0	\$0	\$671
2011	✓ S HX CAP	\$25,000	\$25,000	\$0	\$2,346	\$715
2010	✓ S HX	\$25,000	\$25,000	\$0	\$0	\$661

### 2014 Taxable Value and Estimate of Proposed Taxes

Taxing Authority	Assd Value	Exemption	Tax Value	Millage Rate	Taxes	%
Public Schools: By State Law (Rle)	\$126,532	\$25,000	\$101,532	5.1140 (0.00%)	\$519.23	33 %
Public Schools: By Local Board	\$126,532	\$25,000	\$101,532	3.2480 (0.00%)	\$329.78	21 %
Orange County (General)	\$126,532	\$50,000	\$76,532	4.4347 (0.00%)	\$339.40	22 %
Unincorporated County Fire	\$126,532	\$50,000	\$76,532	2.2437 (0.00%)	\$171.71	11 %
Unincorporated Taxing District	\$126,532	\$50,000	\$76,532	1.8043 (0.00%)	\$138.09	9 %
Library - Operating Budget	\$126,532	\$50,000	\$76,532	0.3748 (0.00%)	\$28.68	2 %
St Johns Water Management District	\$126,532	\$50,000	\$76,532	0.3283 (0.00%)	\$25.13	2 %
				<b>17.5478</b>	<b>\$1,552.02</b>	

### 2014 Non-Ad Valorem Assessments

Levying Authority	Assessment Description	Units	Rate	Assessment
COUNTY SPECIAL ASSESSMENT	WASTE PRO - GARBAGE - (407)836-6601	1.00	\$235.00	\$235.00
COUNTY SPECIAL ASSESSMENT	STREET LIGHTS - STREET LIGHTS - (407)836-5770	1.00	\$40.94	\$40.94
COUNTY SPECIAL ASSESSMENT	ROAD & DRAINAGE - RETENTION PONDS - (407)836-5770	1.00	\$67.00	\$67.00
				<b>\$342.94</b>

### Property Features

#### Property Description

ISLAND CLUB AT RIO PINAR LAKES 29/69 LOT 48

#### Total Land Area

22,269 sqft (+/-) | 0.51 acres (+/-) GIS Calculated

#### Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class	Unit Price	Class Value
0130 - Sfr - Lake Front	R-2	1 LOT(S)	\$25,000.00	\$25,000	\$0.00		\$25,000

**Buildings**

<b>Model Code</b>	01 - Single Fam Residence	<b>Subarea Description</b>	<b>Sqft</b>	<b>Value</b>
<b>Type Code</b>	0101 - Single Family	BAS - Base Area	1025	\$63,704
<b>Building Value</b>	\$78,632	FGR - Fin Garage	342	\$10,628
<b>Estimated New Cost</b>	\$109,944	FOP - F/Opn Prch	35	\$559
<b>Actual Year Built</b>	1992	FUS - F/Up Story	663	\$35,053
<b>Beds</b>	4			
<b>Baths</b>	2.5			
<b>Floors</b>	2			
<b>Gross Area</b>	2065 sqft			
<b>Living Area</b>	1688 sqft			
<b>Exterior Wall</b>	Cb.Stucco			
<b>Interior Wall</b>	Drywall			

**Extra Features**

<b>Description</b>	<b>Date Built</b>	<b>Units</b>	<b>Unit Price</b>	<b>XFOB Value</b>
PL2 - Above Average Pool	01/01/1992	1 Unit(s)	\$20,000.00	\$7,400
SCR2 - Scrn Enc 2	06/10/2003	1 Unit(s)	\$5,000.00	\$5,000
BD2 - Boat Dock 2	01/01/2001	1 Unit(s)	\$4,000.00	\$4,000
PT1 - Patio 1	01/01/2001	1 Unit(s)	\$1,000.00	\$1,000
RME2 - Room Enclosure 2	01/01/2008	1 Unit(s)	\$5,500.00	\$5,500

**Sales****Sales History**

<b>Sale Date</b>	<b>Sale Amount</b>	<b>Instrument #</b>	<b>Book/Page</b>	<b>Deed Code</b>	<b>Seller(s)</b>	<b>Buyer(s)</b>	<b>Vac/Imp</b>
04/12/1999	\$137,000	19990181877	05737 / 3382	Warranty Deed	Otero Julio C Otero Ivonne M	Hartman Michael S Hartman Nancy A	Improved
07/10/1992	\$141,600	19924147928	04434 / 4869	Warranty Deed			Improved
04/06/1992	\$100	19924070466	04404 / 3926	Warranty Multiple			Vacant

**Similar Sales**

<b>Address</b>	<b>Sale Date</b>	<b>Sale Amount</b>	<b>\$/SQFT</b>	<b>Deed Code</b>	<b>Beds/Baths</b>	<b>Instrument #</b>	<b>Book/Page</b>
2430 Island Club Way	08/08/2013	\$110,000	\$72	Warranty Deed	4/2	20130473077	10629 / 6360
2482 Island	02/15/2013	\$112,100	\$67	Certificate of	3/2	20130100212	10525 /

Club Way

Title

1341

## Services for Location

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### TPP Accounts At Location

Account	Market Value	Taxable Value	Business Name(s)	Business Address
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There are no TPP Accounts associated with this parcel.

### Schools

Colonial (High School)

Principal	Dr. Jonathan R Prince
Office Phone	407-482-6300
Grades	2011: B   2010: B   2009: C

Chickasaw (Elementary)

Principal	Mrs. Janet Medina-Maestre
Office Phone	407-249-6300
Grades	2012: A   2011: A   2010: A

Liberty (Middle School)

Principal	James V Russo Jr
Office Phone	407-249-6440
Grades	2012: C   2011: C   2010: A

### Homeowner's Association

Name	The Island Club at Rio Pinar Lakes Homeowners Associ...
Gated?	No
Mandatory?	Yes
Number Of Households	97

### Utilities/Services

Electric	Duke Energy
Water	Orange County Utility Department
Recycling	Orange County
Trash (Thursday, Monday)	Orange County
Yard Waste	Orange County

### Elected Officials

US Representative	Alan Grayson
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School Board Representative Daryl Flynn  
State Representative Victor Manuel Torres  
County Commissioner Pete Clarke  
State Senate Darren Soto

## Market Stats

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### Sales Within Last 1 Year

Island Club At Rio Pinar Lakes	Sales			Less Than \$100
	Count	Median	Volume	Count
Single Family Residential	2	\$111,050 (\$69/SqFt)	\$222,100	1